

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1523 of 2019
In
Letters Patent Appeal No.117 of 2017

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1. The Municipal Commissioner aged about 40 yeas, (Male), Patna Municipal Corporation, Patna
 2. The Estate Officer aged about 53 years, (Male), Planning and Development , Patna Municipal Corporation, Patna

... .. Petitioners

Versus

1. Amitesh Kumar S/o Late Nagendra Kumar Prasad Resident of Mohalla-Jakkanpur, Near Shiv Mandir, Jakkanpur, Distt.- Patna
2. The State of Bihar
3. The Principal Secretary Urban Development Department, Govt. of Bihar, Patna
4. The Collector Patna
5. The Sub Registrar District Registration Office, Patna

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Prasoon Sinha, Adv.

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 29-06-2022 Heard Mr. Prasoon Sinha, learned counsel for the petitioners.

The instant application has been filed under Article 226 of the Constitution of India for restoration of L.P.A. No. 117 of 2017 which was dismissed due to non-compliance of the peremptory order dated 04.07.2018 passed by this Court.

Vide peremptory order dated 04.07.2018, two weeks' time was granted to the petitioners to remove the defects as pointed out by the stamp reporter, failing which, it was ordered



that the application shall stand rejected. During the period granted by the Court for removal of defects, the petitioners filed an application vide I.A. No. 5279 of 2018 for extension of time granted by the order dated 04.07.2018. The said interlocutory application was not placed by the office before the Bench as a result of which L.P.A. No. 117 of 2017 stood dismissed for non-compliance of peremptory order.

Mr. Prasoon Sinha, learned counsel for the petitioners submitted that there was no deliberate laches on the part of the petitioners. He submitted that in case the L.P.A No. 117 of 2017 would not be restored, the petitioners would suffer irreparable injury. He submitted that the petitioners never intended not to comply with the order dated 04.07.2018 passed by this Court rather they took step within time in order to get some extension of time granted by the Court.

Considering the pleadings made in the application and the submissions made above, the application is allowed.

L.P.A. No. 117 of 2017 is directed to be restored to its original file.

(Ashwani Kumar Singh, J)

(Dr. Anshuman, J)

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